



by certified mail on January 6, 2017. ECF No. 2-1, at 8. There is no indication from the records provided, however, that the Appeals Council has issued a ruling on Turner's claim.

This court has jurisdiction to review final decisions of the Commissioner of Social Security pursuant to 42 U.S.C. § 405(g), which provides in relevant part:

Any individual, after any final decision of the Commissioner of Social Security made after a hearing to which he was a party, irrespective of the amount in controversy, may obtain a review of such decision by a civil action commenced within sixty days after the mailing to him of notice of such decision or within such further time as the Commissioner of Social Security may allow. Such action shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has his principal place of business, or, if he does not reside or have his principal place of business within any such judicial district, in the United States District Court for the District of Columbia. . . .

This section provides the exclusive jurisdictional basis for judicial review of claims under the Social Security Act. See 42 U.S.C. § 405(h) ("No findings of fact or decision of the Commissioner of Social Security shall be reviewed by any person, tribunal, or governmental agency except as herein provided."). The court's jurisdiction, however, is limited to *final* decisions by the Commissioner. "If a claimant fails to request review from the [Appeals] Council, there is no final decision and, as a result, no judicial review in most cases. In administrative-law parlance, such a claimant may not obtain judicial review because he has failed to exhaust administrative remedies." Sims v. Apfel, 530 U.S. 103, 107 (2000) (internal citations omitted).

Because he appears to be indigent, the court **GRANTS** Turner's motion to proceed in forma pauperis. However, the court lacks jurisdiction over this social security case, because it does not appear that there has been a final decision issued by the Commissioner,

and Turner therefore has not exhausted his administrative remedies. As such, this matter will be **DISMISSED** without prejudice and **STRICKEN** from the active docket of the court.

An appropriate Order will be entered.

Entered:

06-08-2017

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge